THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.22116 of 2003

Dated:15.06.2006

Between:

Jampala Srikanth, and others.

…Petitioners

and

District Collector, Guntur District, and others.

…Respondents

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.22116 of 2003

ORDER:

The petitioners, who are 27 in number, filed the instant writ petition seeking a writ of mandamus declaring the action of the respondents in seeking to demolish and dispossess them from Survey No.273/2 of Nallapadu Village, Guntur Mandal and District, earmarked as Plot Nos.7, 8, 41, 42, 4, 3, 30, 31, 32, 33, 9, 12, 6, 11, 46 part, 45, 46 (part), 21, 1, 39, 13, 14, 38, 43, 44, 19, 37, 26 to 29, 25 and 5 respectively, as

illegal and arbitrary.

It is the case of the petitioners that all of them purchased the land from one Chebrolu Ramaiah, who was the original owner of the land in R.S.No.273/2 admeasuring Acs.4.61 cents. They also allege that they have constructed permanent/semi-permanent houses as well as thatched roof houses. Some of them constructed compound walls and asbestos roofs. When the Government issued orders in G.O.Ms.No.455, dated 29.07.2002 proposing to regularize the occupation/right in the land governed by the Urban Land (Ceiling and Regulation) Act, 1976, they allegedly made representations, which are pending before the Competent Authority and Special Officer-the fourth respondent herein. While the applications are pending it is alleged that respondent Nos.2 and 3, without conducting enquiry, directed demolition of constructions on 14.10.2003. Hence the writ petition is filed for the relief noticed hereinabove.

This Court while admitting the writ petition passed orders directing the respondents not to evict the petitioners until final orders are passed.

The fourth respondent has filed a counter affidavit along with W.V.M.P.No.992 of 2005. As the question is encompassed, the matter is taken up finally. In the counter affidavit it is stated that petitioners 1 and 2 only filed applications seeking regularization and that all others have not filed any applications. Denying the allegation that there is a threat of demolition, it is stated in paragraph No.4 of the counter affidavit that the officials neither demolished the houses nor interfered with the petitioners' enjoyment, and that the petitioners without filing any applications for regularization, approached this Court.

Though the application for vacating the stay was filed on 07.04.2005, no reply affidavit is filed. This shows that the counter averments remain uncontroverted. Therefore, this Court is not inclined to accept the writ petition insofar as petitioner Nos.3 to 27 are concerned. As the respondents admit that petitioner Nos.1 and 2 filed applications seeking regularization as per G.O.Ms.No.455, dated 29.07.2002, their applications may be considered expeditiously, and till then they shall not be dispossessed.

The Writ Petition insofar as petitioners 3 to 27 are concerned is dismissed, and the Writ Petition insofar as petitioners 1 and 2 are concerned, is disposed of with the above directions. No costs.

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(V.V.S.RAO, J)

15.06.2006

vs